

SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.
ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.
DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION <i>Josephson & Associates</i>	2. DATE (YYYYMMDD) <i>20050713</i>	3. TIME <i>1000-1200</i>	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME <i>Mitchell John Robert</i>	6. SSN <i>460-02-7610</i>	7. GRADE/STATUS <i>CIV</i>	
8. ORGANIZATION ADDRESS <i>912 West 6th Ave, Anchorage Ak 99501</i>			

9. I, *John R. Mitchell*, WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Q: Why do you believe you were incorrectly reported as AWOL?

A: I January my AWOL does not have merit because the Ft Richardson Occupational Nurse Ms. Carver and my supervisor Mr. Moore had a 3 way conversation with me and the outcome was that I was to be on bed rest until Monday. When I returned to work I would bring a doctors note to account for my time. I did this and found that I had been reported AWOL. See letter from Ms Carver.

After my heart episode I e-mailed Ms. Carver my Family Medical Leave Act paperwork as well as had my attorney Mr. MS Dinnel send her a copy.

Q: What was your understanding of how to process the FMLA?

Basically, I would turn the paperwork in and I would be informed if the paperwork was denied. I never heard it was denied so I assumed it was approved. I had turned the paperwork into Ms Carver and it was to be processed IAW her protocol.

Q: What constituted the "illegal order"?

I was given an order to show up in person prior to the start of shift and Mr. Dunn was to then determine if I was ill.

Q: How and when did you file an EEO Complaint in January 05?

I wrote a letter to Mr Martinez as per BG Hiral request. In my letter I expressed a desire to file a formal EEO complaint. I also e-mailed a copy of my request to BG Hiral and Col. Keoyo the USARAK Chief of Staff. ^{JAN} I never heard anything from my e-mail request. This request was sent by me around the middle of January 05.

10. EXHIBIT	11. INITIALS OF PERSON MAKING STATEMENT <i>JRM</i>	PAGE 1 OF <u>3</u> PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF _____ TAKEN AT _____ DATED _____"

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER

STATEMENT OF Mr. Mitchell TAKEN AT Anchorage DATED 13 Jul 05

9. STATEMENT (Continued)

NOT USED
JRM

AFFIDAVIT

I, John R. Mitchell, HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

JRM
(Signature of Person Making Statement)

WITNESSES:

Joseph P. Josephson
JOSEPHSON + ASSOCIATES, P.C.
912 W. 6TH Ave., Anchorage, AK 99501
ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 13TH day of July, 2005 at Law Offices of Josephson P.A.

D. L. Shutt
(Signature of Person Administering Oath)

David L. Shutt
(Typed Name of Person Administering Oath)

COL, US Army Invest Officer
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

JRM

PAGE 3 OF 3 PAGES

David and Alice Moore

From: "John R. Mitchell" <mitchelj@mtaonline.net>
To: "William F. Bennyhoff" <William.Bennyhoff@elmendorf.af.mil>; "William F. Bennyhoff" <William.Bennyhoff@elmendorf.af.mil>; "VFW Post 9785" <vfw9785@mtaonline.net>; "Tony Erne" <erne@gci.net>; "SGM Ruben L. Cavazos" <ruben.loredo.cavazos@us.army.mil>; "SGM Robert L. Hockstedler" <robert.hockstedler@us.army.mil>; "Sandra Martinez" <sandra.martinez@us.army.mil>; "Ruben L SGM USARPAC IG Cavazos" <ruben.loredo.cavazos@us.army.mil>; "Robert Hockstedler" <robert.hockstedler@us.army.mil>; "Paul Reoyo" <paul.reoyo@us.army.mil>; "Moore David A USARAK G-3 EA CNTRLR" <david.moore32@us.army.mil>; "Marlyn Seneviratne" <marlyn.seneviratne@us.army.mil>; "Loretta H. Fleming" <loretta.fleming@us.army.mil>; "Kerry. BRENNAN@hpa.org.uk" <Kerry.BRENNAN@hpa.org.uk>; "James T. Hirai" <james.hirai@us.army.mil>; "Harris" <vickie.harris1@us.army.mil>; "Elizabeth Carryer" <elizabeth.carryer@richardson.army.mil>; "Dennis Dunn" <dennis.dunn@us.army.mil>; "David A. Moore" <davidandalice@gci.net>
Sent: Wednesday, June 01, 2005 3:28 PM
Attach: home_page.htm; Maj Bilafer June 1, 2005.doc
Subject: [Norton AntiSpam] Emailing: homepage; Can you forward this to Major Bilafer

Dear General Hirai,

I really do not think that you believe I am serious about getting you to get control of your command. I have discovered a new hobby called blogging and have made you the center piece of my site. You obviously did not understand my last letter to you and Major Bilafer has decided not to respond to my last letter to him. So I have decided to go public. It will do no good for me to go to FT. Wainwright and file an EEO complaint as I already have filed one here as per your initial instructions with Ms. Martinez that Mr. and Ms. Pressley decided to stop with Colonel Reoyos help. Giving Mr. Pressley time to perform a CYA operation.

Check out the home page below. I think you will find it very interesting. Like I told you before no more lies or excuses. Either you are in command or you are not. Obviously you are not. Hope you and the press have fun. I have enclosed a letter to Major Bilafer can you see he gets it. The troops at FT. Richardson are giving my site rave reviews even though I am not finished with it and I still have a lot of bugs to work out. They are also giving me some great information about other areas that are out of control within your command. I will be placing in a section called other problems Troops in USARAK are having.

Well I have to go. I hope you have as much fun with my blog as I am having writing it. Remember, you lied to me by telling me to go to Ms. Martinez and Colonel Reoyo lied to a Senator and a Representative. I am passing this information to all members of Congress. A Blog is so much more efficient and cheaper than making CD's and sending them out.

Respectfully,

John R. Mitchell

P.S. I am not going away.

6/22/2005



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT AGENCY
HEADQUARTERS, U.S. ARMY GARRISON, ALASKA
724 POSTAL SERVICE LOOP #6000
FORT RICHARDSON, ALASKA 99505-6000

March 21, 2005

Equal Employment Opportunity Office

Mr. John R. Mitchell
P.O. Box 771765
Eagle River, AK 99577

Dear Mr. Mitchell:

In reference to your Freedom of Information Act (FOIA) Request, Control Number FA-05-0009, for a copy of all information pertaining an EEO Complaint you filed with Ms. Sandra Martinez on Monday, January 17, 2005 electronically along with all pertinent notes, emails, letters, or other documents or recordings.

This office, specifically Ms. Sandra Martinez, did not receive an informal EEO pre-complaint from you electronically or otherwise on January 17, 2005 or during this fiscal year.

If you wish to file an EEO informal pre-complaint of discrimination with this office, you may call me at 384-2080 to schedule an appointment.

Sincerely,

A handwritten signature in cursive script, reading "Wanita M. Pressley", is written above the typed name.

WANITA M. PRESSLEY
Acting, Equal Employment Manager

Shutt David L COL USARAK G7 Director

From: Tillmon Clifton WO1 59 SIG BN
Sent: Thursday, July 14, 2005 7:13 AM
To: Shutt David L COL USARAK G7 Director; Miller Gerald H LTC 59 SIG BN CDR
Cc: Keel Daniel J CPT 59 SIG BN AKNOC OIC
Subject: RE: email search
Importance: High
Attachments: Email Research; Follow-up Questions

Sirs,

I reviewed Ms. Sandra Martinez account this morning and found no email messages from John R. Mitchell in her "Inbox". For the record, there are no e-mail messages prior to 8 Feb 05 contained in her "Inbox" and the "Sent Items" folder which had no history of outgoing messages from 29 Oct 04 - 31 Jan 05. All known mail addresses for Mr. Mitchell were used in the search.

v/r

WO1 TJLLMON

From: Shutt David L COL USARAK G7 Director
Sent: Wednesday, July 13, 2005 4:41 PM
To: Keel Daniel J CPT 59 SIG BN AKNOC OIC
Cc: Tillmon Clifton WO1 59 SIG BN; Miller Gerald H LTC 59 SIG BN CDR; Santerre Elyce (Lisa) Chief, Civil Law OSJA
Subject: email search
Importance: High

Guys...the document provided to me from Mr. Mitchell reads:

From: John R. Mitchell (blacked out)...it appears to be something .net however
Sent: Monday, January 17, 2005 6:29 PM
To: Sandra Martinez
Cc: James T. Hiraj; Paul Reoyo
Subject: EEO Complaint

There are three attachments.

Sorry I can't read the address---but this ought to be enough data.

Thanks.

7/14/2005